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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/486,629	03/01/2000	STEPHEN ROBERT CARKEEK	17762-304-(F)	8920

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EXAMINER
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WACHTEL, ALEXIS A

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 10/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/486,629

Applicant(s)

CARKEEK, STEPHEN ROBERT

Examiner

Alexis Wachtel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 01 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☒ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign priority document is attached.

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6

- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other

*Detailed Action*

*Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-8, 12, 16, 17 are rejected under 35 U.S.C. 102(a) as being anticipated by US 5,725,705 to Nagahama et al.

Nagahama et al is directed to dust control mats and teaches a mat comprising a base fabric, piles implanted on one surface of the base fabric, and an elastomer backing applied to the non-pile surface of the base fabric, wherein the base fabric comprises a base of a woven fabric or a nonwoven fabric and a floss-like nonwoven fiber layer bonded to the base, said floss-like nonwoven fiber layer contains low-melting fibers, and the floss-like nonwoven fiber layer after the pile yarns are implanted is thermally fixed (Col 2, lines 19-27). The elastomer backing layer is made of SBR, NBR or the like. (Col 1, lines 31-32). The elastomer or rubber layer has a thickness of 1.8mm (Col 7, lines 37- 38) and has a density range from 500 to 4000g/m<sup>2</sup> (Col 6, lines 53-54). An adhesive agent such as ethylene acetate can be applied to the base sheet (Col 6, lines 47-52) wherein the adhesion by curing is carried out at temperatures from 100° to 200° C (Col 6, lines 58-60). The base is made of a nonwoven fabric wherein the fibers used can be any synthetic fiber such as polyester

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Said mat expresses characters (Col 3, lines 57-59). Piles implanted on said mat can be made of nylon fiber wherein the fiber length is over the range of from 3 to 20mm (Col 5, lines 64-67, Col 6, lines 1-3). The resulting pile surface has a density of 880 g/m<sup>2</sup> (Col 7, lines 23-24). The mat can be produced as a unitary structure by simultaneously bonding and curing the rubber backing to the textile base in a pressurized mold (Col 6, lines 40-46) at temperature from 100° to 200°C (Col 6, lines 58-60). The preamble limitation "A table or counter mat... for resting cups, mugs or glasses" of claim 1 is not given any patentable weight. In addition, by virtue of Nagahama et al's mat structure, his mat would inherently have absorbance properties as well as the capability to operate with a load force applied to its surface.

***Claim Rejections - 35 USC § 102/103***

3.The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4.The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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5. Claims 9, 10, 18, 19 are rejected under 35 U.S.C. 102(a) as anticipated by, or in the alternative, under 35 U.S.C. 103(a) as obvious over 5,725,705 to Nagahama et al in view of "Introductory Textile Science Fifth Edition" by Marjory L. Joseph.

The features of Nagahama et al have been set forth above.

The method limit of article claim 9 is given no patentable weight since a printing process does not manipulatively effect the final product's structure. All methods of printing result in a printed product. Nagahama et al's mat is capable of being laundered (Col 3, lines 30-33).

Alternatively, if aforementioned limitations are given weight, Nagahama et al fails to teach printing characters on Nagahama et al's mat via dye sublimation printing at temperatures greater than 170°C. "Introductory Textile Science Fifth Edition" by Marjory L. Joseph is directed to textile technology and teaches the conventionality of sublimatic transfer printing (dye sublimation printing) (pp. 348, Transfer Printing, lines 8-10) wherein dyes are printed on paper to make the desired pattern after which, said paper and fabric to be printed are pressed together at a temperature and pressure that will cause said dyes to sublime on surface of said fabric. It is relevant to point out to Applicant that the temperatures at which successful sublimatic transfer printing occurs depends on the specific type of dye and fiber used and as such Applicant's claimed temperatures are known and obvious. It would have been, in addition, obvious to one of ordinary skill in the art at the time the invention was made to have used a sublimatic transfer printing process to print lettering on Nagahama et al's mat, motivated by the

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6. Claim 11 rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,725,705 to Nagahama et al in view of US 4,242,394 to Leib et al.

The features of Nagahama et al have been set forth above.

Nagahama et al fails to teach use of polyester fibers as tuft material.

Leib et al is directed to tufted pile fabrics and teaches the conventional use of polyester or nylon for tufts in tufted pile fabrics (Col 2, lines 30-32). They are thus shown to be equivalent in the carpet art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have substituted polyester fibers in Nagahama et al's mat for the nylon fibers since polyester and nylon have been shown to be art recognized equivalents.

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,725,705 to Nagahama et al in view of US 5,605,108 to Woosley.

The features of Nagahama et al have been set forth above.

Nagahama et al fails to teach a pile density of about 600 g/m<sup>2</sup>.

Woosley is directed to carpets and teaches pile density ranging from 5 and 30 ounces per square yard or 153g/m<sup>2</sup> and 9154g/m<sup>2</sup>. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used Woosely's pile density, motivated by the desire to save material and production costs while maintaining product performance.

*Claim Rejections - 35 USC § 102/103*

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8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

10. Claims 14, 15 are rejected under 35 U.S.C. 102(a) as anticipated by, or in the alternative, under 35 U.S.C. 103(a) as obvious over 5,725,705 to Nagahama et al in view of "Introductory Textile Science Fifth Edition" by Marjory L. Joseph. The features of Nagahama et al have been set forth above.

The method limit of method of claim 14 is given no patentable weight since a printing process does not manipulatively effect the final product's structure. All methods of printing result in a printed product. Nagahama et al's mat is capable of being laundered (Col 3, lines 30-33).

In the alternative, if given patentable weight, Nagahama et al fails to teach printing characters on Nagahama et al's mat via an acid dye process.

"Introductory Textile Science Fifth Edition" by Marjory L. Joseph is directed to textile

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exhibit varying degrees of colorfastness. The selection of an acid dye would thus depend on the use of the fabric, anticipated method of maintenance and type of colorfastness properties desired (pp 325, right column, last paragraph). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used acid dye printing principles, motivated by the desire to use a highly efficient and thus, cost effective printing process.

11. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Alexis Wachtel, whose number is (703)-306 0320. The Examiner can normally be reached Mondays- Thursdays from 9:30am to 7:30pm.

If attempts to reach the Examiner by telephone are unsuccessful and the matter is urgent, the Examiner's supervisor, Mr. Terrel Morris, can be reached at (703) 308-2414. The fax ph one numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872- 9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



CHERYL A. BUSKA  
PRIMARY EXAMINER